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6/11/04

Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

**REPLY COMMENTS, FCC, MM DOCKET 99-325
Digital Audio Broadcasting Systems and Their Impact on the Terrestrial Radio
Broadcast Service**

Submitted by Nevada Public Radio
1289 S. Torrey Pines Drive
Las Vegas, NV 89146

Dear Ms. Dortch:

On behalf of Nevada Public Radio, licensee of KNPR and KCNV in Las Vegas; KTPH, Tonopah; KLNK, Panaca and KWPR, Lund/Ely, I am writing to respond to the Federal Communications Commission's Further Notice of Proposed Rulemaking in this proceeding. Our classical music formatted station in Las Vegas, KCNV, is in the process of converting to digital broadcasting using the iBiquity Digital Corporation's HD Radio system. We plan to begin offering digital service on KCNV no later than December 2004. Nevada Public Radio supports the FCC's efforts to foster the development of a vibrant terrestrial digital radio service for the public and strongly supports the FCC's intent to support a flexible and largely market-driven DAB policy.

We encourage the Commission to promote policies that provide broadcasters and receiver manufacturers with maximum flexibility to fully realize the benefits of HD Radio

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technology. The Commission's rules on digital service should not impose greater burdens than currently exists for analog broadcasting. An overly regulatory approach will discourage widespread and rapid adoption of the technology. Therefore we oppose any mandated deadline for implementation of HD radio and any required minimum amount of high definition audio.

We also encourage Digital Audio Multicasting. The offering of new program options on Secondary Audio Channels, in our judgment, will drive consumer demand for digital receivers not just the promise of increased audio quality. The implementation of Secondary Audio Channels is highly desirable for public radio broadcasters such as Nevada Public Radio to serve additional audiences with new program services, to expand program diversity and as a possible new means of raising revenue. We would oppose any FCC mandated limit on the number of audio or data streams a station may offer.

We also endorse the allowance of licensee's to lease unused audio capacity to other parties if the licensee does not intend to use the capacity themselves. This will both promote program diversity and provide valuable new revenue for public radio stations to support their main channel program service.

Nevada Public Radio would also encourage adoption of a flexible policy permitting licensees to produce and distribute any and all kinds of datacasting services or lease that capacity to other parties. We furthermore encourage the allowance of subscription services on Secondary Audio Channels and oppose spectrum fees for such use since no additional spectrum has been allocated for the transition to DAB. Public radio stations, for instance, could offer the Secondary Audio Channel on a subscription basis to subscribers with programming completely free of underwriter announcements or pledge

drives.

We oppose any additional public interest programming restrictions for non-commercial stations. Public radio currently operates and will continue to do so in the public interest with program services devoted to education, information and entertainment. We also agree with the FCC's tentative conclusions that the conversion to DAB will not require changes to the content of current regulations such as station identification, EAS and political broadcasting.

On the question of antenna options, Nevada Public Radio again encourages flexibility. Licensees should have the power to determine to use common or separate DAB antenna systems most appropriate to their specific set of circumstances. In some areas no tower space is available for dual antenna systems or the additional expense from site landlords might also be burdensome.

The question of FM DAB translators is one very near and dear to many rural Western broadcasters. Nevada Public Radio operates eleven translators over a 49,000 square mile area in Nevada and adjacent areas of California, Utah and Arizona. We have also in the last year split our previous dual format station KNPR into two stations: one solely devoted to news and information and one exclusively for classical music. It is our long-range goal to duplicate that dual service throughout our urban and rural service area.

In the analog world that would have meant applying for duplicative translator and associate stations with the associated lag time for applications to the Commission and expense of duplicating the needed infrastructure. We encourage the development and implementation of dual-output DAB translators so that dual services can be broadcast via one translator. It would be much more efficient to augment the existing translator

network to receive and transmit both program services using DAB Secondary Audio Channels without having to apply for new translators to serve the same geographic area with single outputs per translator. It would obviously also save equipment expense and site rental fees.

Finally as to the question of non-commercial regulation, we return to the mantra of maximum flexibility for non-commercial licensees to use the new digital capacity for datacasting, and/or Secondary Audio Channels with the option of leasing the SAC's at the licensee's option.

We also suggest Secondary Audio Channels be regulated more like the present regulated SCA channels than like the current station model. If the deregulated SCA model was followed, non-commercial licensee's then would have the option of operating the Secondary Audio Channel as either a subscription service, a data stream or even operate the secondary service commercially in order to support the non-commercial main channel.

Nevada Public Radio appreciates the opportunity to offer its views on the Commission's proposals and encourages the FCC to expedite completion of the IBOC rules with maximum flexibility for licensees as the guiding principle.

Respectfully submitted;

Lamar Marchese, President and General Manager

Nevada Public Radio